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**October 05, 2017**

*Via ECF*

**Judge Pamela K. Chen**

U.S. District Court, Eastern District of NY  
225 Cadman Plaza, N631  
Brooklyn, NY 11201

Re: ***Safeco Ins. Co. v. MES et al.*** - Case No. 09-cv-3312 (PKC) (VMS)

Dear Judge Chen:

I am a defendant in the above referenced action. I am writing to voice the MES Defendants' opposition to Safeco's letter motion filed via ECF under seal as Dkt. 499 on October 4, 2017, indicating:

"Letter MOTION for Leave to Electronically File Document under Seal (*documents designated Confidential or reflecting the substance of such documents to be filed on October 6, 2017*) by Safeco Insurance Company of America. (Harris, Christopher) (Entered: 10/04/2017)"

As an initial matter, how can the Defendant oppose a letter motion by the Plaintiff that is itself filed under seal, which is tantamount to Safeco initiating another *ex-parte* communication with the Court. Safeco cannot avoid due process and must provide timely its letter motion to the Defendants so they can exercise their rights and properly oppose it.

The MES Defendants vigorously oppose Safeco's attempt to designate any portion of its damage application (Direct or Reply portion) as confidential. Surely our justice system does not permit a plaintiff to file its alleged damages against a defendant under seal. Safeco has no basis what so ever for its request.

On May 31, 2017, Safeco delivered to the Defendants, pursuant to the Court Order of May 9, 2017, what it is now presumably seeking to designate a portion thereof as confidential, the supporting document to its damage application against the Defendants, without designating at that time any of these documents as "confidential". The Defendants acted accordingly. Safeco has waived any right (although none exists) to seek a confidential designation now more than four (4) months later.

The MES Defendant respectfully asks the Court to release Safeco's *ex-parte* letter motion (Dkt. 499) to the Defendants, and deny that request outright.

Thanking the Court for its consideration.

Respectfully submitted

/s/ G. Makhoul  
George Makhoul  
Defendant

cc: William R. Brocks, Jr., Esq. / Safeco's attorney - *Via ECF*  
Adam M. Marshall, Esq. / Hirani's attorney - *Via ECF*